K

1947.

File No. B. Home Guards 1/47

Legal Deptt

B **BRANCH**

Subject:— A Bill to provide for the Constitution of Home Guards

L.A. Bill No IX of 1947

P 32 E Bom. Act No III of 1947

B Home Guards 1/47

File No.

Gen. 184 a

559-B

C O N T E N T S.

Legal Department File No. H Home Guards/47

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SER 26-5-56
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Office of the R.L.A.

The requisite draft of the Bombay Home Guards Bill together with the statement of objects and Reasons is sent herewith.

2 A New Clause 10 has been inserted to provide for the repeal of the Bombay Home Guards Ordinance , 1946, and for saving appointments and rules made thereunder.

3 The subject matter of the Bill falls under entries 1,3 and 37 in List II and entry 2 ~~xx~~ in List III in the Seventh Schedule to the Government of India Act, 1935. The Bill does not contain any provision repugnant to the provisions of any earlier Federal law or any existing Indian law relating to a matter in the Concurrent Legislative List. It will not therefore be necessary to reserve the Bill for the consideration of the Governor-General with reference to section 107(2) of the Government of India Act, 1935.

4 The Bill will require the previous sanction of the Governor under section 108(2)(ii) of the said Act, since the Bill affects Police Acts. The Bill will also require Governor's recommendation under section 82(3) of the said Act since the constitution of Home Guards will involve expenditure from the revenues of the Province as the members are to be given duty allowance.(cf, rule 9 of the Home Guards Rules. slip J below)

5 It will also attract the operation of clause (8) of section 52(1) of the said Act.

6 The Home Department is requested to forward the Bill to this Department after obtaining the orders of Government as soon as possible., in order to enable this Department to publish it in the Gazette in good ~~time~~ time before the ensuing session.

Id./.....
Remembrancer of Legal Affairs.

U.R. to H.D. No. 11 dated the 24th December 1946.

This Act should apply to the whole province. Necessary changes will have to be made in clauses 1 & 2.

This may be put in the next meeting of the cabinet.

Id./..... 26-12

H.P.M.

Id./..... 23/12.

SMR 28-5-56
4 Copies.

Office of the R.L.A.

The requisite draft of the Bombay Home Guards Bill together with the statement of Objects and Reasons is sent herewith.

2 The necessary provision has been made in clause1(2) and (3) of the Bill for extending the Act to the whold of the Province of Bombay and for applying it to areas other than the Greater Bombay and the municipal borough and Cantonment of Ahmedabad.

3 A new clause 10 has been inserted to provide for the repeal of the Bombay Home Guards Ordinance, 1946 and for saving appointments and rules made thereunder.

4 The subject-matter of the Bill falls under entries ,1,3,and 37 in List II and entry 2 in List III in the Seventh Schedule to the Government of India Act, 1935 The Bill does not contain any provision repugnant to the provisions of any earlier Federal law or any existing Indian law relating to a matter in the Concurrent Legislative List. It will not therefore be necessary to reserve the Bill for the consideration of the Governor-General with reference to section 107(2) of the Government of India Act, 1935.

The Bill will require the previous sanction of the Governor-under section 108(2)(ii) of the said Act, since the Bill affects Police Acts. The Bill will also require Governor's recommendation under section 82(3) of the said Act, since the constitution of Home Guards will involve expenditure from the revenues of the Provinc as the members are to be given duty allowance.(cf rule 9 of the Home Guards Rules, slip J)-.

6 It will also attract the operation of clause (a) of section 52(1) of the said Act.

7. The Home Department is requested to forward the Bill to this Department after obtaining the orders of Government as soon as possible, in order to enable this Department to publish it in the Gazetter in good time before the ensuing session.

Id./.....

Remembrancer of Legal Affairs.

U.R. to H.D. No. 330 dated the 11th January 1947.

SWR 28-6-56
4/Copies.

Legal Department.

The Bill to provide for the constitution of Home Guards, having been published in the Bombay Government Gazette, dated the 7th February 1947, these papers are returned to the Home Department for further necessary action and for submitting them to H.E.(H.D.) for his use at the time of introducing the Bill. The Home Department may now arrange to give the notice to the Secretary to the Bombay Legislative Assembly in the appended form.

2 The Bill will require the previous sanction of the Governor under section 108(2)(ii) of the Government of India Act, 1936. The Bill will also require Governor's recommendation under section 82(3) of the said Act. The requisite drafts in that behalf are sent herewith.

3 The Home Department is also requested to obtain orders of Government regarding the application of the proposed Act to the partially excluded areas.

Id./ .....

For Secretary to Government.

U.R. No H.D.No. 1580 , dated the 15th February 1947.

SHR 28-5-56
4 Copies.

O R D E R.

Home Department,

Bombay Castle, February 1947

No. —In exercise of the powers conferred upon him by sub-section (3) of section 82 of the Government of India Act, 1935, the Governor of Bombay is pleased to recommend to the Bombay Legislative Assembly the consideration of the Bombay Home Guards Bill, 1947.

By order of the Governor of Bombay,

Secretary to the Government of Bombay,
Home Department.

SMR 28-5-56
4 Copies.

GOVERNMENT HOUSE.
Bombay February 1947.

I accord sanction under section 108(2)(11) of the Government of India Act, 1935, to the Bombay Home Guards Bill, 1947.

GOVERNOR OF BOMBAY.

SLB 22-2-56
4 Copies.

No. 2674

Legal Department,
Bombay Castle, 19th March 1947.

From

D.V.Vyas, Esquire, I.C.S.
Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject:- A Bill to provide for the constitution of Home Guards.

Sir,

With reference to section 75 of the Government of India Act, 1935, I am directed to forward herewith for the assent of His Excellency the Governor, an authentic copy of a Bill to provide for the constitution of Home Guards, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 1st March 1947 and on the 10th March 1947, respectively.

2 The Bill affects the special responsibility of ~~the Governor~~ Governor under section 52(1)(a) of the Government of India Act, 1935. It does not fall within the purview of clause (a),(b), (c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3 The subject-matter of the Bill falls under entries 1, 3 and 37 in List II and entry 2 in List III in the Seventh Schedule to the Government of India Act, 1935.

4 As the Bill does not contain any provision repugnant to the provisions of any earlier Federal law or any existing Indian law relating to a matter in the Concurrent Legislative List, it will not be necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

5 The date on which His Excellency the Governor's assent is given may ~~be~~

kindly be entered in the endorsement.

6 I am also to forward herewith one copy of each of the papers noted in the margin.

1 Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	7. I am to state that the Bombay Home Guards Ordinance 1946, would cease to operate on the 24th March 1947. It is therefore necessary that this Bill should after receiving the assent of His Excellency the Governor be published in the Bombay Government Gazette as an Act before the 24th March 1947. I am, therefore, to request you to obtain the assent of His Excellency the Governor immediately, and to return the Bill so assented to this Department at once, so as to enable this Department to take the necessary action.
2 Report of the Select Committee together with the Bill as amended by the Select Committee.	
3 Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	
4 Bill as read for the third time and passed by the Bombay Legislative Council.	
5 Extracts from the proceedings of the Bombay Legislative Assembly dated the 21st February and 1st March 1947 and of the Bombay Legislative Council dated 10th March 1947.	

I have the honour to be,

Sir,

Your most obedient servant,

Id./.....

Secretary to the Government of Bombay,
Legal Department.

Through

The Secretary to the Government of Bombay,
Home Department.

SMR 28-5-56
4 Copies.

No. G.S. 904
Office of the Governor's Secretary.
Government House,
Bombay, 20th March 1947.

From

D.Symington, Esquire, C.I.E.,I.C.S.
Secretary to the Governor of Bombay.

To

The Secretary to Government,
Legal Department.

Subject:- The Bombay Home Guards Bill, 1947.

Sir,

With reference to your letter No. 2674, dated the 19th March 1947, I am directed to return herewith, with His Excellency the Governor's assent signified thereon, the copy of the Bombay Home Guards Bill, 1947.

Your obedient servant,

Sd./.....

Secretary to the Governor of Bombay.

Bills.

A Bill to provide for the constitution of Home Guards.

GOVERNMENT OF BOMBAY.
Legal Department,
Resolution No. 1263
Bombay Castle, 7th February 1947.

Memorandum from the Home Department No. 893/5-D dated the 6th February 1947.- Transferring for necessary action, the papers relating to a Bill to provide for the constitution of Home Guards.

RESOLUTION :- The Bill with the Statement of objects and reasons should be forwarded to the Manager, Government Central Press, Bombay, for publication in the Bombay Government Gazette, dated the 7th February 1947, as Bill No. IX of 1947.

2 The Bill and the Statement of Objects and Reasons should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagri scripts) and the translations should be published in the Bombay Government Gazette on the 11th February 1947.

3 The dates of the various publications should be reported to the Secretary to the Bombay Legislative Assembly.

By order of the Governor of Bombay,

Sd./K.M.CHITNVIS,
Assistant Remembrancer of Legal Affairs.

To
The Manager, Government Central Press, Bombay (with the Bill and the Statement of Objects and Reasons and with a request that 290 Gazette Copies of the Bill and the S.O.R. may be forwarded ~~at~~ to the Secretary to the Bombay Legislative Assembly for distribution to the Members of the Bombay Legislative Assembly and 25 copies for the use of the Legal Department) Etc.

SMR 28-5-66
4 Copies.

Acts.

Publication of the Bombay Home Guards Act, 1947.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 2797
Bombay Castle, 22nd March 1947.

Letter to the Secretary to the Governor, No. 2674, dated the 19th March 1947.

Letter from the Secretary to the Governor No. G.S.904, dated the 20th March 1947:-

"With reference to your letter No, 2674, dated the 19th March 1947, I am directed to return herewith with His Excellency the Governor's assent signified thereon, the copy of the Bombay Home Guards Bill, 1947".

RESOLUTION:- The law should be published as Bombay Act No. III of 1947 in the Bombay Government Gazette, dated the 22nd March 1947.

2 The Act should be translated into Marathi Gujarati, Kannada and Hindustani(in Urdu and Devanagri scripts) and the translation should be published in the Bombay Government Gazette.

3 A copy of the Act should be forwarded to the Home Department with reference to the Memorandum from that Department No. 893/5-D, dated the 6th February 1947.

By order of the Governor of Bombay,

Sd./K.M.CHITNVIS,
Assistant Remembrancer of Legal Affairs.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 15 Gazette copies of the Act may be forwarded to the Legal Department), etc.

SLR 28-5-56
4 Copies.

L. A. BILL No. IX OF 1947.

A Bill to provide for the constitution of Home Guards.

WHEREAS it is expedient to provide a volunteer organisation to supplement the ordinary police in the Province of Bombay; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Home Guards Act, 1947.

(*2*) It extends to whole of the Province of Bombay.

(*3*) It shall come into force at once in the area of Greater Bombay and the area comprising limits of the municipal borough and the cantonment of Ahmedabad. The Provincial Government may by notification in the *Official Gazette* direct that it shall come into force in any other area on such date as may be specified in such notification.

Constitution of Home Guards and appointment of Commandant.

2. (*1*) The Provincial Government shall constitute for each of the areas specified in sub-section (*3*) of section 1 and for each of the areas notified under the said sub-section (*3*) a volunteer body called the Home Guards, the members of which shall discharge such functions in relation to the protection of persons, the security of property, and the public safety as may be assigned to them in accordance with the provisions of this Act and the rules made thereunder.

(*2*) The Provincial Government shall appoint a Commandant of each of the Home Guards constituted under sub-section (*1*).

Appointment of members.

3. The Commandant may appoint as members of the Home Guards such number of persons, who are fit and willing to serve, as may from time to time be determined by the Provincial Government, and may appoint any such member to any office of command in the Home Guards.

Functions of members.

4. In Greater Bombay, the Commissioner of Police, Bombay, and elsewhere, the District Superintendent of Police concerned, may at any time call out a member of the Home Guards for training or to discharge any of the functions assigned to the Home Guards in accordance with the provisions of this Act and the rules made thereunder.

Powers, protection and control.

5. (*1*) A member of the Home Guards when called out under section 4 shall have the same powers, privileges and protection as an officer of police appointed under any Act for the time being in force.

(*2*) No prosecution shall be instituted against a member of the Home Guards in respect of anything done or purporting to be done by him in the discharge of his functions as such member, except with the previous sanction of the Commissioner of Police, Bombay, in Greater Bombay, and of the District Magistrate, elsewhere.

Control by officers of police force.

6. The members of the Home Guards when called out under section 4 in aid of the police force shall be under the control of the officers of the police force in such manner and to such extent as may be prescribed by rules made under section 8.

Penalty.

7. (*1*) If any member of the Home Guards, on being called out under section 4, without sufficient excuse, neglects or refuses to obey such order, or to discharge his functions as a member of the Home Guards, or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction, be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to two hundred and fifty rupees or with both.

(*2*) A police officer may arrest without warrant any person who commits an offence punishable under sub-section (*1*).

Rules.

8. The Provincial Government may make rules consistent with this Act,—

(*a*) providing for the exercise by any police officer or the Commandant or other officer of the Home Guards of the powers conferred by section 4 on the Commissioner of Police, Bombay, or the District Superintendent of Police;

(*b*) providing for the exercise of control by officers of the police force over members of the Home Guards when acting in aid of the police force ;

(*c*) regulating the organisation, appointment, conditions of service, functions, discipline, arms, accoutrements and clothing of members of the Home Guards and the manner in which they may be called out for service ;

(*d*) regulating the exercise by members of the Home Guards of any of the powers exercisable under section 5 of this Act ;

(*e*) generally for giving effect to the provisions of this Act.

XLV of 1860.

9. Members of the Home Guards acting under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. **Members of Home Guards to be public servants.**

Bom. Ordinance No. 1 of 1946.

10. The Bombay Home Guards Ordinance, 1946, is hereby repealed : **Repeal and saving.**

Provided that the Home Guards constituted under the said Ordinance shall be deemed to be constituted under this Act ; and all appointments and rules made under the said Ordinance and in force immediately before the coming into operation of this Act shall continue in force and be deemed to be made in pursuance of this Act.

STATEMENT OF OBJECTS AND REASONS.

The disturbed conditions in certain parts of the Province have pointed to the urgent need of securing fuller assistance from members of the public in the maintenance of law and order. For this purpose, it is necessary to enrol a volunteer organisation known as the Home Guards to supplement the ordinary police and place the organisation on a permanent footing.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

[To be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations ot be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following report of the Select Committee of the Bombay Legislative Assembly on the Bill to provide for the constitution of Home Guards and the Bill as amended by the Select Committee are, in accordance with the provisions of sub-rule (3) of rule 88 of the Bombay Legislative Assembly Rules, published for general information :—

L. A. BILL No. IX OF 1947.

(*A Bill to provide for the constitution of Home Guards.*)

REPORT OF THE SELECT COMMITTEE.

We, the members* of the Select Committee appointed to consider L. A. Bill No. IX of 1947 (A Bill to provide for the constitution of Home Guards) have the honour to report as follows :—

We have carefully considered the Bill and have made a few changes therein. The reasons for the changes are given below.

Preamble.—We consider that the object of constitution of Home Guards is not merely to supplement the ordinary police, but it is much wider. We have accordingly amended the preamble and made it more comprehensive.

---

*The signatures of Mr. S. L. Karandikar, Mr. L. B. Bhingardeve, Mr. A. S. Shaikh and R. B. Raut will be notified when received.

MO-1 Bk Hb 295

Clause 4.—We consider that, as members of the Home Guards will be under the Commandant, whatever orders are to be issued to them by the Commissioner of Police or the District Superintendent of Police should be issued to them through the Commandant. We have accordingly added the words, "through the Commandant", in this clause.

Clause 7.—We consider that no proceeding should be instituted against a member of the Home Guards under sub-clause (*1*) of this clause without the previous sanction of the Commandant. We have accordingly added a new sub-clause (*2*) to this clause.

(Signed) MORARJI R. DESAI.

(„) D. N. DESAI.

(„) B. D. DESHMUKH.

(„) M. N. MEMANE.

(„) S. B. KUTRE.

(„) C. A. VYAS.

(„) C. J. AMBLI.

(„) K. R. GARUD.

(„) P. V. GILLESPIE.

(„) A. A. KHAN.

(„) HASANALLY P. EBRAHIM.

Note.—**Deletions made by the Select Committee are shown in square brackets and additions are shown in italics.**

L. A. BILL No. IX OF 1947.

A Bill to provide for the constitution of Home Guards.

(As amended by the Select Committee.)

WHEREAS it is expedient to provide a volunteer organisation [to supplement the ordinary police] *for use in emergencies and for other purposes* in the Province of Bombay; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Home Guards Act, 1947.

(*2*) It extends to the whole of the Province of Bombay.

(*3*) It shall come into force at once in the area of Greater Bombay and the area comprising limits of the municipal borough and the cantonment of Ahmedabad. The Provincial Government may by notification in the *Official Gazette* direct that it shall come into force in any other area on such date as may be specified in such notification.

Constitution of Home Guards and appointment of Commandant.

2. (*1*) The Provincial Government shall constitute for each of the areas specified in sub-section (*3*) of section 1 and for each of the areas notified under the said sub-section (*3*) a volunteer body called the Home Guards, the members of which shall discharge such functions in relation to the protection of persons, the security of property and the public safety as may be assigned to them in accordance with the provisions of this Act and the rules made thereunder.

(*2*) The Provincial Government shall appoint a Commandant of each of the Home Guards constituted under sub-section (*1*).

Appointment of members.

3. The Commandant may appoint as members of the Home Guards such number of persons, who are fit and willing to serve, as may from time to time be determined by the Provincial Government, and may appoint any such member to any office of command in the Home Guards.

Functions of members.

4. In Greater Bombay, the Commissioner of Police, Bombay, and elsewhere, the District Superintendent of Police concerned, may at any time call out *through the Commandant* a member of the Home Guards for training or to discharge any of the functions assigned to the Home Guards in accordance with the provisions of this Act and the rules made thereunder.

Powers, protection and control.

5. (*1*) A member of the Home Guards when called out under section 4 shall have the same powers, privileges and protection as an officer of police appointed under any Act for the time being in force.

(*2*) No prosecution shall be instituted against a member of the Home Guards in respect of anything done or purporting to be done by him in the discharge of his functions as such member, except with the previous sanction of the Commissioner of Police, Bombay, in Greater Bombay, and of the District Magistrate, elsewhere.

Control by officers of police force.

6. The members of the Home Guards when called out under section 4 in aid of the police force shall be under the control of the officers of the police force in such manner and to such extent as may be prescribed by rules made under section 8.

Penalty.

7. (*1*) If any member of the Home Guards, on being called out under section 4, without sufficient excuse, neglects or refuses to obey such order, or to discharge his functions as a member of the Home Guards, or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction, be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to two hundred and fifty rupees or with both.

(*2*) *No proceedings shall be instituted under sub-section* (*1*) *without the previous sanction of the Commandant.*

[(*2*)] (*3*) A police officer may arrest without warrant any person who commits an offence punishable under sub-section (*1*).

Rules.

8. The Provincial Government may make rules consistent with this Act,—

(*a*) providing for the exercise by any police officer or the Commandant or other officer of the Home Guards of the powers conferred by section 4 on the Commissioner of Police, Bombay, or the District Superintendent of Police ;

(*b*) providing for the exercise of control by officers of the police force over members of the Home Guards when acting in aid of the police force ;

(*c*) regulating the organisation, appointment, conditions of service, functions, discipline, arms, accoutrements and clothing of members of the Home Guards and the manner in which they may be called out for service ;

(*d*) regulating the exercise by members of the Home Guards of any of the powers exercisable under section 5 of this Act ;

(*e*) generally for giving effect to the provisions of this Act.

Members of Home Guards to be public servants.

9. Members of the Home Guards acting under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Repeal and saving.

10. The Bombay Home Guards Ordinance, 1946, is hereby repealed : Bom. Ordinance No. 1 of 1946.

Provided that the Home Guards constituted under the said Ordinance shall be deemed to be constituted under this Act ; and all appointments and rules made under the said Ordinance and in force immediately before the coming into operation of this Act shall continue in force and be deemed to be made in pursuance of this Act.

S. K. SHEODE,
Secretary to the Bombay
Legislative Assembly.

Bombay, 26th February 1947.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. IX OF 1947.

A Bill to provide for the constitution of Home Guards.

(As read for the third time and passed by the Legislative Assembly on the 1st March 1947.)

WHEREAS it is expedient to provide a volunteer organisation for use in emergencies and for other purposes in the Province of Bombay; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Home Guards Act, 1947.

(*2*) It extends to the whole of the Province of Bombay.

(*3*) It shall come into force at once in the area of Greater Bombay and the area comprising limits of the municipal borough and the cantonment of Ahmedabad. The Provincial Government may by notification in the *Official Gazette* direct that it shall come into force in any other area on such date as may be specified in such notification.

Constitution of Home Guards and appointment of Commandant.

2. (*1*) The Provincial Government shall constitute for each of the areas specified in sub-section (*3*) of section 1 and for each of the areas notified under the said sub-section (*3*) a volunteer body called the Home Guards, the members of which shall discharge such functions in relation to the protection of persons, the security of property and the public safety as may be assigned to them in accordance with the provisions of this Act and the rules made thereunder.

(*2*) The Provincial Government shall appoint a Commandant of each of the Home Guards constituted under sub-section (*1*).

Appointment of members.

3. The Commandant may appoint as members of the Home Guards such number of persons, who are fit and willing to serve, as may from time to time be determined by the Provincial Government, and may appoint any such member to any office of command in the Home Guards.

Functions of members.

4. In Greater Bombay, the Commissioner of Police, Bombay, and elsewhere, the District Superintendent of Police concerned, may at any time call out through the Commandant a member of the Home Guards for training or to discharge any of the functions assigned to the Home Guards in accordance with the provisions of this Act and the rules made thereunder.

Powers, protection and control.

5. (*1*) A member of the Home Guards when called out under section 4 shall have the same powers, privileges and protection as an officer of police appointed under any Act for the time being in force.

(*2*) No prosecution shall be instituted against a member of the Home Guards in respect of anything done or purporting to be done by him in the discharge of his functions as such member, except with the previous sanction of the Commissioner of Police, Bombay, in Greater Bombay, and of the District Magistrate, elsewhere.

MO-1 Bk Hb 317

Control by officers of police force.

6. The members of the Home Guards when called out under section 4 in aid of the police force shall be under the control of the officers of the police force in such manner and to such extent as may be prescribed by rules made under section 8.

Penalty.

7. (*1*) If any member of the Home Guards, on being called out under section 4, without sufficient excuse, neglects or refuses to obey such order, or to discharge his functions as a member of the Home Guards, or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction, be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to two hundred and fifty rupees or with both.

(*2*) No proceedings shall be instituted under sub-section (*1*) without the previous sanction of the Commandant.

(*3*) A police officer may arrest without warrant any person who commits an offence punishable under sub-section (*1*).

Rules.

8. The Provincial Government may make rules consistent with this Act,—

(*a*) providing for the exercise by any police officer or the Commandant or other officer of the Home Guards of the powers conferred by section 4 on the Commissioner of Police, Bombay, or the District Superintendent of Police;

(*b*) providing for the exercise of control by officers of the police force over members of the Home Guards when acting in aid of the police force;

(*c*) regulating the organisation, appointment, conditions of service, functions, discipline, arms, accoutrements and clothing of members of the Home Guards and the manner in which they may be called out for service;

(*d*) regulating the exercise by members of the Home Guards of any of the powers exercisable under section 5 of this Act;

(*e*) generally for giving effect to the provisions of this Act.

Members of Home Guards to be public servants.

9. Members of the Home Guards acting under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Repeal and saving.

10. The Bombay Home Guards Ordinance, 1946, is hereby repealed: Bom. Ordinance No. 1 of 1946.

Provided that the Home Guards constituted under the said Ordinance shall be deemed to be constituted under this Act; and all appointments and rules made under the said Ordinance and in force immediately before the coming into operation of this Act shall continue in force and be deemed to be made in pursuance of this Act.

STATEMENT OF OBJECTS AND REASONS.

The disturbed conditions in certain parts of the Province have pointed to the urgent need of securing fuller assistance from members of the public in the maintenance of law and order. For this purpose, it is necessary to enrol a volunteer organisation known as the Home Guards to supplement the ordinary police and place the organisation on a permanent footing.

Dated 28th January 1947. MORARJI DESAI.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. IX OF 1947]

(As read for the third time and passed
by the Legislative Assembly
on the 1st March 1947.)

A Bill to provide for the constitution of
Home Guards.

[Mr. MORARJI DESAI, M.L.A.]

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. IX OF 1947.

A Bill to provide for the constitution of Home Guards.

(As read for the third time and passed by the Legislative Assembly on the 1st March 1947.)

(As read for the third time and passed by the Legislative Council on the 10th March 1947.)

WHEREAS it is expedient to provide a volunteer organisation for use in emergencies and for other purposes in the Province of Bombay; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Home Guards Act, 1947.

(*2*) It extends to the whole of the Province of Bombay.

(*3*) It shall come into force at once in the area of Greater Bombay and the area comprising limits of the municipal borough and the cantonment of Ahmedabad. The Provincial Government may by notification in the *Official Gazette* direct that it shall come into force in any other area on such date as may be specified in such notification.

Constitution of Home Guards and appointment of Commandant.

2. (*1*) The Provincial Government shall constitute for each of the areas specified in sub-section (*3*) of section 1 and for each of the areas notified under the said sub-section (*3*) a volunteer body called the Home Guards, the members of which shall discharge such functions in relation to the protection of persons, the security of property and the public safety as may be assigned to them in accordance with the provisions of this Act and the rules made thereunder.

(*2*) The Provincial Government shall appoint a Commandant of each of the Home Guards constituted under sub-section (*1*).

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Appointment of members.

3. The Commandant may appoint as members of the Home Guards such number of persons, who are fit and willing to serve, as may from time to time be determined by the Provincial Government, and may appoint any such member to any office of command in the Home Guards.

Functions of members.

4. In Greater Bombay, the Commissioner of Police, Bombay, and elsewhere, the District Superintendent of Police concerned, may at any time call out through the Commandant a member of the Home Guards for training or to discharge any of the functions assigned to the Home Guards in accordance with the provisions of this Act and the rules made thereunder.

Powers, protection and control.

5. (*1*) A member of the Home Guards when called out under section 4 shall have the same powers, privileges and protection as an officer of police appointed under any Act for the time being in force.

(*2*) No prosecution shall be instituted against a member of the Home Guards in respect of anything done or purporting to be done by him in the discharge of his functions as such member, except with the previous sanction of the Commissioner of Police, Bombay, in Greater Bombay, and of the District Magistrate, elsewhere.

Control by officers of police force.

6. The members of the Home Guards when called out under section 4 in aid of the police force shall be under the control of the officers of the police force in such manner and to such extent as may be prescribed by rules made under section 8.

Penalty.

7. (*1*) If any member of the Home Guards, on being called out under section 4, without sufficient excuse, neglects or refuses to obey such order, or to discharge his functions as a member of the Home Guards, or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction, be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to two hundred and fifty rupees or with both.

(*2*) No proceedings shall be instituted under sub-section (*1*) without the previous sanction of the Commandant.

(*3*) A police officer may arrest without warrant any person who commits an offence punishable under sub-section (*1*).

Rules.

8. The Provincial Government may make rules consistent with this Act,—

(*a*) providing for the exercise by any police officer or the Commandant or other officer of the Home Guards of the powers conferred by section 4 on the Commissioner of Police, Bombay, or the District Superintendent of Police;

(*b*) providing for the exercise of control by officers of the police force over members of the Home Guards when acting in aid of the police force ;

(*c*) regulating the organisation, appointment, conditions of service, functions, discipline, arms, accoutrements and clothing of members of the Home Guards and the manner in which they may be called out for service ;

(*d*) regulating the exercise by members of the Home Guards of any of the powers exercisable under section 5 of this Act ;

(*e*) generally for giving effect to the provisions of this Act.

Members of Home Guards to be public servants.

9. Members of the Home Guards acting under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

XLV of 1860.

Repeal and saving.

10. The Bombay Home Guards Ordinance, 1946, is hereby repealed :

Bom. Ordinance No. 1 of 1946.

Provided that the Home Guards constituted under the said Ordinance shall be deemed to be constituted under this Act ; and all appointments and rules made under the said Ordinance and in force immediately before the coming into operation of this Act shall continue in force and be deemed to be made in pursuance of this Act.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. IX OF 1947]

(As read for the third time and passed by the Legislative Assembly on the 1st March 1947.)

(As read for the third time and passed by the Legislative Council on the 10th March 1947.)

A Bill to provide for the constitution of Home Guards.

[Mr. Morarji Desai, M.L.A.

MO-I Bk Hb 343—2

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

BOMBAY ACT No. III OF 1947.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 22nd March 1947.)

An act to provide for the constitution of Home Guards.

WHEREAS it is expedient to provide a volunteer organisation for use in emergencies and for other purposes in the Province of Bombay; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Home Guards Act, 1947.

(*2*) It extends to the whole of the Province of Bombay.

(*3*) It shall come into force at once in the area of Greater Bombay and the area comprising limits of the municipal borough and the cantonment of Ahmedabad. The Provincial Government may by notification in the *Official Gazette* direct that it shall come into force in any other area on such date as may be specified in such notification.

Constitution of Home Guards and appointment of Commandant.

2. (*1*) The Provincial Government shall constitute for each of the areas specified in sub-section (*3*) of section 1 and for each of the areas notified under the said sub-section (*3*) a volunteer body called the Home Guards, the members of which shall discharge such functions in relation to the protection of persons, the security of property and the public safety as may be assigned to them in accordance with the provisions of this Act and the rules made thereunder.

(*2*) The Provincial Government shall appoint a Commandant of each of the Home Guards constituted under sub-section (*1*).

Appointment of members.

3. The Commandant may appoint as members of the Home Guards such number of persons, who are fit and willing to serve, as may from time to time be determined by the Provincial Government, and may appoint any such member to any office of command in the Home Guards.

Functions of members.

4. In Greater Bombay, the Commissioner of Police, Bombay, and elsewhere, the District Superintendent of Police concerned, may at any time call out through the Commandant a member of the Home Guards for training or to discharge any of the functions assigned to the Home Guards in accordance with the provisions of this Act and the rules made thereunder.

Powers, protection and control.

5. (*1*) A member of the Home Guards when called out under section 4 shall have the same powers, privileges and protection as an officer of police appointed under any Act for the time being in force.

(2) No prosecution shall be instituted against a member of the Home Guards in respect of anything done or purporting to be done by him in the discharge of his functions as such member, except with the previous sanction of the Commissioner of Police, Bombay, in Greater Bombay, and of the District Magistrate, elsewhere.

Control by officers of police force.

6. The members of the Home Guards when called out under section 4 in aid of the police force shall be under the control of the officers of the police force in such manner and to such extent as may be prescribed by rules made under section 8.

Penalty.

7. (1) If any member of the Home Guards, on being called out under section 4, without sufficient excuse, neglects or refuses to obey such order, or to discharge his functions as a member of the Home Guards, or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction, be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to two hundred and fifty rupees or with both.

(2) No proceedings shall be instituted under sub-section (1) without the previous sanction of the Commandant.

(3) A police officer may arrest without warrant any person who commits an offence punishable under sub-section (1).

Rules.

8. The Provincial Government may make rules consistent with this Act,—

(a) providing for the exercise by any police officer or the Commandant or other officer of the Home Guards of the powers conferred by section 4 on the Commissioner of Police, Bombay, or the District Superintendent of Police;

(b) providing for the exercise of control by officers of the police force over members of the Home Guards when acting in aid of the police force;

(c) regulating the organisation, appointment, conditions of service, functions, discipline, arms, accoutrements and clothing of members of the Home Guards and the manner in which they may be called out for service;

(d) regulating the exercise by members of the Home Guards of any of the powers exercisable under section 5 of this Act;

(e) generally for giving effect to the provisions of this Act.

XLV of 1860.

9. Members of the Home Guards acting under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Members of Home Guards to be public servants.

Bom. Ordinance No. 1 of 1946.

10. The Bombay Home Guards Ordinance, 1946, is hereby repealed:

Provided that the Home Guards constituted under the said Ordinance shall be deemed to be constituted under this Act; and all appointments and rules made under the said Ordinance and in force immediately before the coming into operation of this Act shall continue in force and be deemed to be made in pursuance of this Act.

Repeal and saving.

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